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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/370,504 08/09/99 GALLANT

J RIC-98-047

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EXAMINER

NGO, R

ART UNIT

PAPER NUMBER

2664

DATE MAILED:

04/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/370,504	Applicant(s) GALLANT ET AL.	
	Examiner Ricky Ngo	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyao et al. , hereinafter "Miyao", US Patent No. 5,889,777.

- Regarding claims 1-3 and 5, 9-11, Miyao discloses an ATM switched network system (Figs. 5 & 9) for transporting IP packets from a calling terminal (105, 104) to a called terminal (106, 101-103) in form of ATM cells, both terminals having IP and ATM capability such as capable of accessing IP and ATM physical medium. Fig. 9 shows the system including a first access control manager (e.g. the network server 161 connecting the calling terminal and the ATM-SW 170), an ATM network (ATM-SW) and a second access control manager (e.g. the network server connecting the ATM-SW 170 and the called terminal). Fig. 4 shows that the first and the second access managers (the network servers) assign IP addresses to the calling terminal and the called terminal, respectively for transporting IP media between the access

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managers (servers) and the terminals over the IP physical medium, and convert the IP media into the ATM cells using ALL5 for transporting the cells over an established virtual circuit of the ATM switched network between the access managers. It should be understood that the IP addresses are temporarily assigned to the users.

- Regarding claims 4 and 6, It was known for the media transmission over the ATM virtual circuit each terminal is temporarily assigned with an ATM address such as a combination of VPIs and VCIs, by the network server.

- Regarding claim 7 & 8, Miyao further discloses a address pool (e.g. the Cache 102) for storing IP and ATM addresses which are assigned to the calling and called terminals.

- Regarding claims 12-24, a review of the limitations of claims 12-24 reveals that they closely parallel the limitations addressed in connection with the earlier claims (1-11). For sake of brevity, it is believed that the reasons for rejecting the limitations of the earlier claims apply to claims 12-24.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Q. Ngo whose telephone number is 703-305-4798. The examiner can normally be reached on MaxFlex Schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6606 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Ricky Ngo
Primary Examiner
Art Unit 2664

April 12, 2001